

EXECUTIVE ORDER NO. 13-05

WHEREAS, under chapter 89C of the Hawaii Revised Statutes, the Governor is granted the authority to make adjustments to the wages, hours, benefits, and other terms and conditions of employment for elected and appointed officials, and employees in the Executive Branch who are excluded from collective bargaining coverage; and

WHEREAS, for excluded employees who are civil service employees under the same classification systems as employees within collective bargaining units, chapter 89C requires that the adjustments be "not less than" those provided under the collective bargaining agreements for employees hired on a comparable basis; and

WHEREAS, chapter 89C also requires that the adjustments for excluded civil service employees result in compensation and benefit packages that are "at least equal to" the compensation and benefit packages provided under collective bargaining agreements for counterparts and subordinates within the Employer's jurisdiction; and

WHEREAS, chapter 89C provides that each appropriate authority shall determine the adjustments that are relevant for their respective excluded employees who are exempt from civil service in consideration of the compensation and benefit packages provided for other employees in comparable agencies; and

WHEREAS, an interest arbitration decision has been issued for Bargaining Unit (BU) 9 for the July 1, 2011 through June 30, 2013, collective bargaining agreement; and

WHEREAS, based on the interest arbitration decision, the Director of Human Resources Development has recommended to the Governor, the adjustments specified in this Executive Order for employees who are excluded from BU 9.

NOW, THEREFORE, I, Neil Abercrombie, Governor of Hawai'i, pursuant to my executive authority under articles V and VII of the Constitution of the State of Hawai'i, the provisions of chapters 37 and 89C of the Hawaii Revised Statutes, and all other applicable authority, do hereby order the following for civil service and exempt employees excluded from BU 9, including employees in the Excluded Managerial Compensation Plan (EMCP) excluded from BU 9:

SALARIES

Step Movements

1. Effective January 1, 2013, employees who were eligible for step movements from July 1, 2009 through December 31, 2012 in accordance with the bargaining unit 9 step movement plan (Article 56 – Salaries, 2007-2009 collective bargaining agreement) shall receive their step movement(s) and be placed on their appropriate step as though step movements were granted for the entire period from July 1, 2009 through December 31, 2012. Eligible employees shall be compensated at their new salary rate effective January 1, 2013. There shall be no retroactive compensation for step movements prior to January 1, 2013. Retroactive payments due to employees shall be without interest.
2. Effective January 1, 2013 through June 30, 2013, employees who are eligible for step movements shall receive their step movement and compensation for step movement on their step movement date as though step movements were granted for the entire period from July 1, 2009 through December 31, 2012. Retroactive payments due to employees shall be without interest.

Salaries

1. Effective January 1, 2013, the bargaining unit 9 salary schedule shall be amended to reflect a four percent (4%) across-the-board increase. Retroactive payments due to employees shall be without interest.
2. Effective January 1, 2013, employees not administratively assigned to the salary schedule shall receive a four percent (4%) increase. Retroactive payments due to employees shall be without interest.
3. Effective April 1, 2013, the bargaining unit 9 salary schedule shall be amended to reflect a four percent (4%) across-the-board increase. Retroactive payments due to employees shall be without interest.

4. Effective April 1, 2013, employees not administratively assigned to the salary schedule shall receive a four percent (4%) increase. Retroactive payments due to employees shall be without interest.

WORKING CONDITION DIFFERENTIAL

Effective January 1, 2013, the working condition differential shall be increased from \$0.50 per hour to \$1.00 per hour. Payments shall be made retroactive for the affected employees for the hours they worked from January 1, 2013 until payment is made. No interest is to be paid on any payments made.

IT IS FURTHER ORDERED that this Executive Order does not apply to:

(1) employees of public charter schools and the Department of Education; (2) the University of Hawai'i; (3) employees hired for 89 days or less; and (4) those Executive Branch employees whom I later determine shall not receive the aforementioned adjustments;

IT IS FURTHER ORDERED that this Executive Order is not intended to create, and does not create, any rights or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of Hawai'i or its agencies, departments, entities, employees, or any other person;

IT IS FURTHER ORDERED that these provisions are subject to amendment by Executive Order.

The Director of Human Resources Development shall be responsible for the uniform administration of this Executive Order and is authorized to make any

interpretations concerning the applicability of this Executive Order to employees of the State Executive Branch who are excluded from collective bargaining coverage.


DONE at the State Capitol, Honolulu,
State of Hawai'i, this 4th day of

June, 2013



NEIL ABERCROMBIE
Governor

APPROVED AS TO FORM:



DAVID M. LOUIE
Attorney General